IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.18054 of 1995

Between:

Sri Choda Sreemulu, S/o Late Palayya, 45 years,
R/o. Apparivaripalem, Peruru Panchayati,
Amalapuram E.G.District.

...PETITIONER

AND

1. The Revenue Divisional Officer, Amalapuram, East Godavari District.
2. The Executive Engineer, Road and Buildings, Near Shankarmat, Amalapuram, East Godavari District.
3. The Assistant Executive Engineer, Road and Buildings, Near Shankarmat, Amalapuram, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction writ or writs particularly one in the nature of writ of mandamus declaring the action of the respondents in evicting the petitioner from the H.NO.10.381, Appadivaripalem Peruru Panchayat Amalapuram Tq. situated in Sy.No.683/13 is illegal, arbitrary and against the provisions laid down by law and against the principles of natural justice and consequently direct the respondents not to evict the petitioner from the above lands.

Counsel for the Petitioner: MR.N.RAMANADHAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.18054 of 1995

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue (General) appearing for the respondents.

The petitioner, who claims to be in occupation of house No.10.381, Appadivaripalem, Peruru Panchayat, Amalapuram Taluk situated in Survey No.683/13, files this Writ Petition, *inter alia*, complaining against the action of the respondents in trying to evict him from the said premises. The petitioner claims that even his father had been in occupation of the said premises as a landless poor person for a long time and constructed a hut. However, without properly giving any notice or conducting enquiry, the impugned action has been taken. Hence the Writ Petition.

The learned Government Pleader for Revenue (General) submits that the petitioner was already evicted from the above mentioned premises by following the due procedure and by issuing proper notice and also by giving an opportunity, as per the order dated 21.05.1995. Thus, the Writ Petition has become infructuous.

Accepting the same, I do not find any justification to go into merits of the case.

Accordingly, the Writ Petition is dismissed. It shall be open to the petitioner, if so desired, to avail any such remedy of appeal against the said order. No costs.

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(B.PRAKASH RAO, J)

17th February 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Revenue Divisional Officer, Amalapuram, East Godavari District.

2. The Executive Engineer, Road and Buildings, Near Shankarmat, Amalapuram, East Godavari District.

3. The Assistant Executive Engineer, Road and Buildings, Near Shankarmat, Amalapuram, East Godavari District.

4. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.